Approved For Release 2002/06/10: CIA-RDP68-00140R000200080023-7



OGC 64-1197a OGC Has Reviewed

MEMORANDUM FOR: Special Support Assistant to the Deputy Director (Support)

This is in an array of

SUBJECT:

Authorization for Leave and Travel in Case of Interrupted Home Leave

1. This is in response to your request for legal advice	
involving the above problem, the facts of which are set forth in a	
memorandum from the Acting Chief, Western Hemisphere Division,	
to the Assistant Deputy Director for Plans, dated 27 April 1964,	
entitled: "Authorization for The Tank, dated 21 April 1964,	
entitled: "Authorization for Temporary Duty Travel for Mr. Joseph	
The facts are that Mr. completed a tour of	25X1A9a
duty in and returned to this country on home leave	
in August 1963. However, after only four days at his home leave	
point, due to operational circumstances requiring his presence,	
he returned to his Station. You advise also that Mr.	25X1A9a
family stayed an in this area to	ZJATABA
family stayed on in this country for a longer period and then joined	
. It is now intended to transfer Mr.	25X1A6a
The Division desires to return him to HQ for	25X1A6a
a short period of temporary duty and to permit home leave for him	20/(1/(00
with his family prior to his proceeding to his new post	125X1A6a
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2. The statute which provides for home leave, namely, the Annual and Sick Leave Act of 1951, as amended by the Overseas Differentials and Allowances Act, authorizes the granting of home leave upon completion of 24 menths' continuous service outside the United States. In regulations implementing that provision the Civil Service has prescribed that home leave may be granted an employee upon completion of the prescribed period or within a reasonable time after his return to the United States. The Civil Service further provides that home leave not granted at such time may be granted only when the employee has completed a "further substantial period of service abroad" and the further period of service abroad is to be

25X1A9a 25X1A6a

25X1A9a 25X1A9a

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25X1A	"not less than the tour of duty prescribed for the employee's post of assignment, except when the agency determines that an earlier grant of home leave is warranted in an individual case" (Federal Personnel Manual, Subchapter S6, subparagraph 7a). Similar provision is inclusively subparagraph 4b(2). By the Western Hemesphire Division memorandum of 27 April, that Division has determined that an earlier grant is warranted in this case.	
25X1A		25X1A
25X1A9a		
	Associate General Counsel Attachment:	25X1A9a
	27 Apr 64 Memo fr Acting C/WH to ADD/P	

cc: Chief, WH w/o att